IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No.825 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PANNABEN VALLABHBHAI NASIT

Versus

VALLABHBHAI MADHABHAI NASIT

Appearance:

1. Civil Revision Application No. 825 of 2001

MR SANDEEP N BHATT for Applicant No. 1

MR MA KHARADI for Respondent No. 1

MR PRAVIN GONDALIYA for Respondent No. 1

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 16/10/2002

ORAL JUDGEMENT

1. The present Revision Application is filed against the order passed by the learned 5th Joint Civil Judge (S.D.), Rajkot on 22.12.2000, below an application Ex.7,

in H.M.P. No.4 of 2000, whereby the learned judge has rejected the application moved by the present applicant for interim maintenance. The impugned order is an interim order and the main petition is still pending before the trial Court. In view of the provision under Section 115 of the Civil Procedure Code, the present Revision Application is not maintainable and hence, it is rejected. It is, however, open to the applicant to challenge the impugned order before this Court by way of Special Civil Application under Articles 226 & 227 of the Constitution of India.

2. With the above observations, the present Revision Application is rejected with a liberty to file a fresh petition in case of difficulty. Rule discharged. No order as to costs. Sd/-

[K.A.PUJ,J]

'Bhavesh'